

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for Annexation (AZ) of 1.03 acres of land with an R-8 zoning district; and Conditional Use Permit (CUP) to operate a 14-bed hospice care facility, by CivilSphere Engineering.

Case No(s). H-2024-0012

For the City Council Hearing Date of: August 13, 2024 (Findings on August 27, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of August 13, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of August 13, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of August 13, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of August 13, 2024, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of August 13, 2024, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for annexation and conditional use permit is hereby approved per the conditions of approval in the Staff Report for the hearing date of August 13, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of August 13, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT LUKE CAVENER VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED _____

COUNCIL MEMBER BRIAN WHITLOCK VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert E. Simison

Attest:

Chris Johnson
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

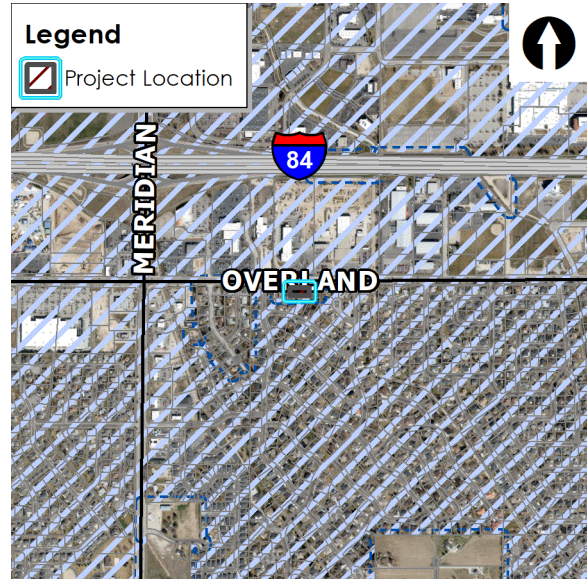
HEARING DATE: August 13, 2024

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: Luna Hospice – AZ, CUP
[H-2024-0012](#)

LOCATION: 525 E. Overland Rd., in the NE ¼ of the
NW ¼ of Section 19, T.3N., R.1E.



I. PROJECT DESCRIPTION

Annexation (AZ) of 1.03 acres of land with an R-8 zoning district; and Conditional Use Permit (CUP) to operate a 14-bed hospice care facility.

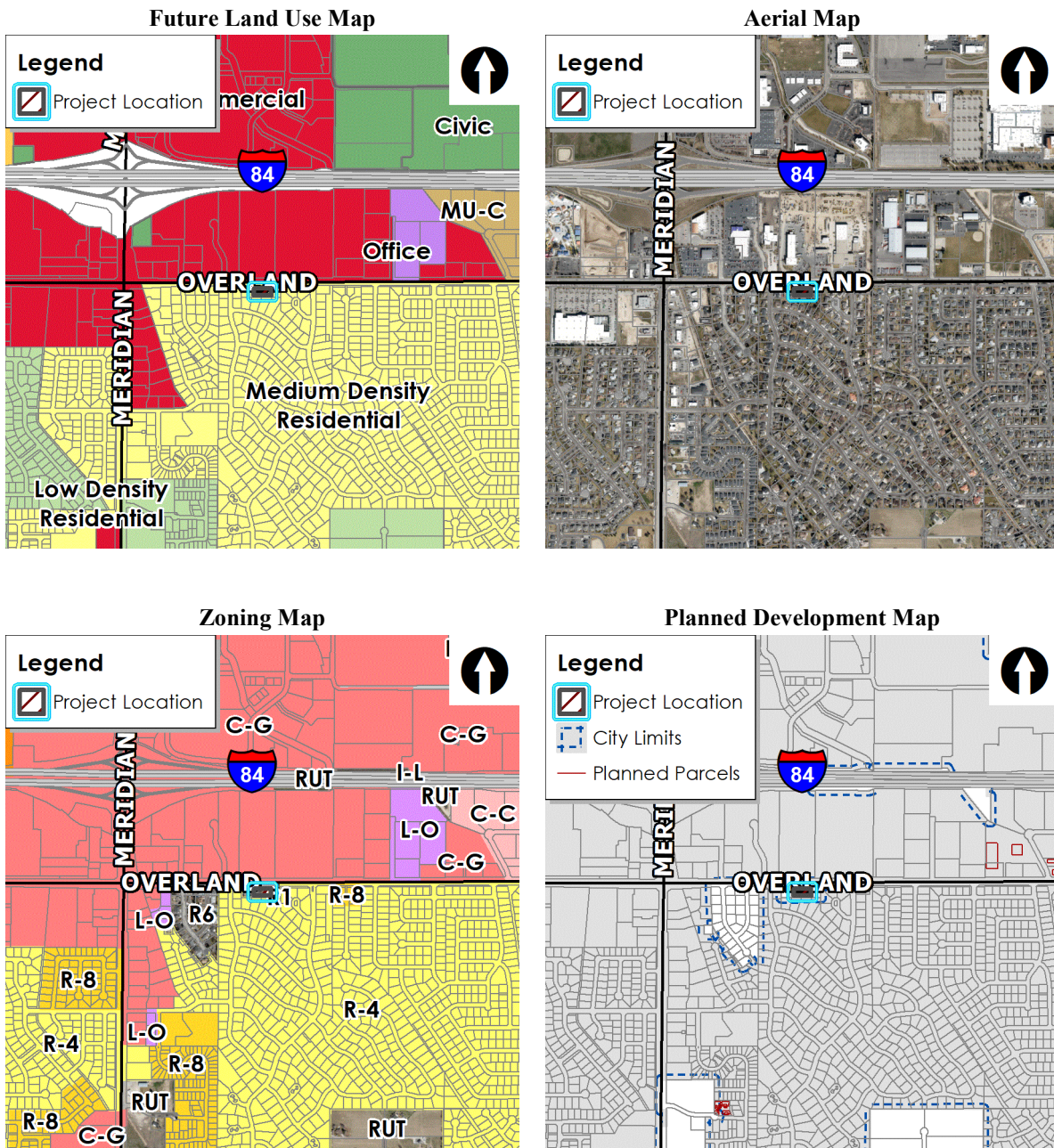
II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	0.775-acre
Future Land Use Designation	Medium Density Residential (MDR)
Existing Land Use	Residential
Proposed Land Use(s)	Nursing care facility
Current Zoning	R1 in Ada County
Proposed Zoning	Medium-Density Residential (R-8)
Phasing Plan	1
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date	3/14/2024
History (previous approvals)	None

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B. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Claire Smarda, CivilSphere Engineering – 4466 N. Waterfront Way, Boise, ID 83703

B. Owner:

OverlandHH, LLC – 525 E. Overland Road, Meridian, ID 83642

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C. Representative:
Same as Applicant.

IV. NOTICING

	Planning & Zoning Notice Dates	City Council Notice Dates
Newspaper Notification	6/4/2024	7/28/2024
Radius notification mailed to properties within 500 feet	5/30/2024	7/25/2024
Site Posting Date	6/6/2024	7/25/2024
Next Door posting	5/30/2024	7/24/2024

V. COMPREHENSIVE PLAN ANALYSIS

Land Use: This property is designated as Medium Density Residential (MDR) on the Future Land Use Map (FLUM) contained in the [\(Comprehensive Plan\)](#). This designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

The requested use is not for a single-family residential purpose, nursing or residential care facilities are listed as a conditional use in the R-8 zoning district. At the discretion of City Council, areas with a Residential Comprehensive Plan designation may request an office use if the property only has frontage on an arterial street or section line road and is two acres or less in size. In this instance, no ancillary commercial uses shall be permitted. This proposed use is semi-residential and is less impactful to the transportation network due to its operational characteristics. **Staff considers this use similar in terms of intensity and impact on adjacent properties. City Council has the discretion to approve the use of the property as a nursing or residential care facility in accordance with the Comprehensive Plan.**

Transportation: East Overland Road, which runs along the front/north side of this property, is depicted as a principal arterial street on the Master Street Map (MSM). There are no stub streets from adjacent developments to this property.

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in italics):

- “Support housing affordability, special-needs housing, ownership opportunities, and housing rehabilitation through programs administered by the State of Idaho, Ada County, nonprofits, and federal agencies”.” (2.01.02E)

By proposing a 14-bed nursing care facility for end-of-life care, the development diversifies special-needs housing options in the area, thereby contributing to the variety of housing

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needs within the City. The facility addresses a specific and essential housing need, enhancing the overall housing diversity and supporting the goal of a balanced community.

- Support infill development that does not negatively impact the abutting, existing development. Infill projects in projects in Downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

This parcel is an enclave surrounded by land already annexed into the City. This parcel, along with parcels to the east and west, is one of the only remaining parcels still in the County. The proposed development will not likely impact the existing abutting developments to the east, west, and south.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer service is available and can be provided to this property in accord with UDC 11-3A-21.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure is available to this property. Curb, gutter and sidewalk have been constructed along E. Overland Road in accord with UDC standards.

- “Eliminate existing private treatment and septic systems on properties annexed into the City and instead connect users to the City wastewater system; discourage the prolonged use of private treatment septic systems for enclave properties.” (3.03.03A)

If annexed, the existing home will be required to abandon the existing septic system and connect to the City wastewater system.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

Annexation and redevelopment of the subject infill parcel will maximize public services.

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The proposed nursing care facility will contribute to the variety of residential categories within the surrounding area as desired. The Applicant is providing 20-foot landscape buffers adjacent to residential properties to the east, west, and south.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed site design provides maximum use of the land with the proposed nursing care facility and should be compatible with the existing developments on adjacent properties, which are also designated for MDR uses.

- “Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity.” (6.01.02B)

Staff recommends that the Applicant provide cross/access to one of the neighboring properties to the east and/or west (Parcel #S1119212410 or #S1119212501) for access

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when/if those properties redevelop with non-residential uses in the future to reduce access points to the arterial street.

VI. STAFF ANALYSIS

A. Annexation & Zoning (AZ):

The Applicant proposes to annex 1.03 acres of land with an R-8 zoning district to operate a 14-bed hospice facility (residential care facility), if the Commission and Council deem the use appropriate as discussed above.

The site is within the Area of City Impact (AOIC) boundary and is contiguous to City annexed land to the north and south. A legal description was submitted for the boundary of the annexation area, included in Section VIII.A below. **However, the annexation exhibit map does not represent the correct acreage of the annexation boundary, and one of these exhibits identify the annexation area. Staff recommends that the Applicant provide a revised exhibit map fifteen (15) days prior to the City Council hearing that accurately represents the acreage of the annexation boundary, not just the property acreage.**

The applicant has provided a concept plan that shows how the property is going to redevelop which includes the existing 2,472-square-foot single-family dwelling, a 2,229 square foot addition, parking and landscaping. **The existing structure is required to connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC 9-1-4 and 9-4-8.**

A nursing or residential care facility is listed as a conditional use in the proposed R-8 zoning district per UDC [Table 11-2A-2](#), subject to the specific use standards listed in UDC [11-4-3-29](#). The specific use standards require a conditional use permit (CUP) when the use results in more than ten (10) persons occupying a dwelling at any one time, the Applicant or owner shall concurrently apply for a change of occupancy as required by the building code in accord with [Title 10](#) of this Code. A CUP is requested concurrent with the annexation request (see analysis below).

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure this property develops as proposed and required, Staff recommends a DA with the provisions discussed herein and included in Section IX.A.**

B. Conditional Use Permit (CUP):

A CUP is requested for nursing or residential care facility, as required by UDC [11-4-3-29](#).

The proposed hospice facility will provide 14-beds to accommodate end-of-life care for residents. The Applicant plans to renovate the existing residential house and construct an addition, resulting in a of 4,700 square feet to accommodate 14 hospice care beds.

Dimensional Standards: The proposed development is required to comply with the dimensional standards listed in UDC [Table 11-2B-3](#) for the proposed R-8 zoning district.. ***The existing garage on the west should be set back 5 feet from the west property line and 12-feet from south property line. To ensure compliance with the R-8 dimensional standards, Staff recommends that the Applicant show the required setbacks on the site plan submitted with the future CZC application.***

Specific Use Standards: The proposed use is required to comply with the specific use standards listed in UDC [11-4-3-29](#), Nursing or residential care facilities: *Staff's analysis is in italics.*

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A. General standards.

1. If the use results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the building code in accord with Title 10 of this Code.

The Applicant is applying for a change of occupancy to accommodate 14 hospice care beds.

2. The owner and/or operator of the facility shall secure and maintain a license from the State of Idaho Department of Health and Welfare, facility standards division.

B. Additional standards for uses providing care to children and juveniles under the age of

1. All outdoor play areas shall be completely enclosed by a minimum six-foot nonscalable fence to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool fence requirements of the building code in accord with title 10 of this Code.

There are no outdoor play areas proposed for the nursing care facility.

2. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard.

There are no outdoor play areas proposed for the nursing care facility.

3. Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.

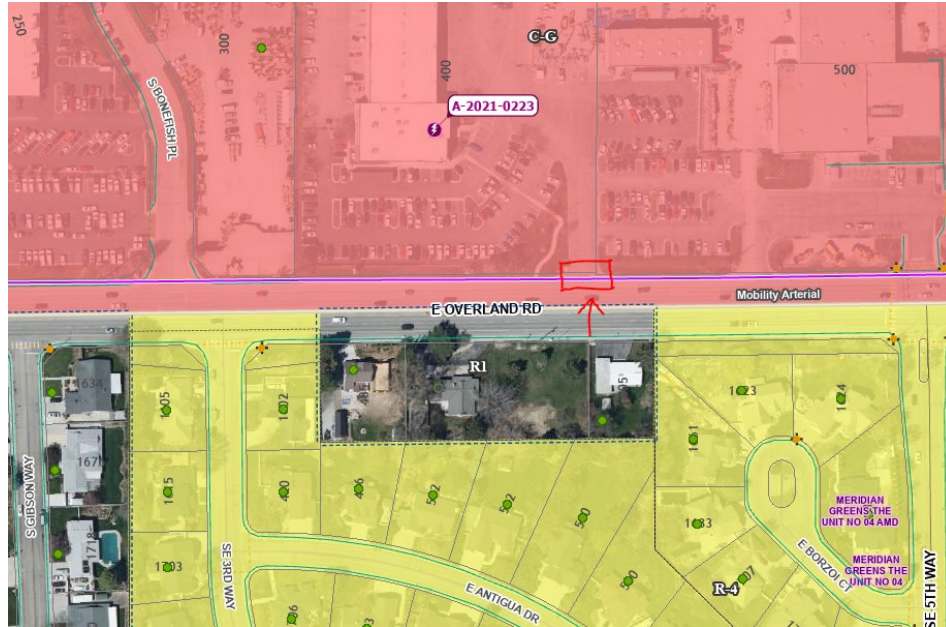
There are no outdoor play areas proposed for the nursing care facility.

- ### C. Additional standards for uses providing care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation. A barrier with a minimum height of six (6) feet, along the perimeter of any portion of the site that is accessible to these patients shall be provided. The fencing material shall meet the swimming pool fence requirements of the building code in accord with title 10 of this Code.

There is an existing wood fence that runs along the south boundary of the property, a vinyl fence along the west side, and a chain link fence along the east side of the property. Staff recommends that the Applicant install 6-foot fencing around the area where patients will access outdoors in accordance with UDC 11-3A-7 and include the fencing on the plans submitted with the future CZC application.

Access: Access is provided via E. Overland Road, an arterial street, via a fully improved “U” shaped driveway. Another existing 22-foot wide curb cut for a shared access drive onto Overland Road located at the site’s east property that aligns with the Western States Cat Equipment driveway on the north side of Overland Road (refer to below figure). ACHD provided the following Site-Specific Conditions of Approval below:

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A. Site Specific Conditions of Approval

1. Repair or replace any damaged or deficient transportation facilities on Overland Road abutting the site, as determined by ACHD staff, and consistent with the current version of PROWAG.
2. Use one of the existing driveways located as follows:
 - A 46-foot wide shared access driveway located at the site's east property line (22-foot located onsite and 24-foot located on the adjacent parcel to the east).
- Or
- A 12-foot wide driveway located 270-feet east of 3rd Way (measured centerline-to-centerline).
3. Reconstruct the driveway chosen to be used (location listed above Site Specific #2) as a curb return type driveway with a maximum width of 30-feet and provide an on-site turnaround to prevent backing onto Overland Road. If the applicant chooses to use the driveway located at the site's east property line, then the applicant shall not modify the portion of the driveway that exists offsite on the parcel to the east. This driveway is approved as a temporary full access and may be restricted with a median at any time as determined by ACHD.
4. Close the existing 40-foot wide driveway located 375-feet east of 3rd Way with vertical curb, gutter and 7-foot wide attached concrete sidewalk to tie into the existing improvements on either side.
5. Close either the 22-foot wide portion of the shared access driveway located at the site's east property line (the applicant shall not modify the portion of the driveway that exists offsite on the parcel to the east) or close the 12-foot wide driveway located 270-feet east of 3rd Way with vertical curb, gutter and 7-foot wide attached concrete sidewalk to tie into the existing improvements on either side.
6. It is recommended that City of Meridian require the applicant to grant cross access to the parcel(s) to the east (S1119212501) and/or the west (S1119212410).
7. Other than the access specifically approved with this application, direct lot access is prohibited to Overland Road.

This property and the adjacent properties to the east and west only have access to an arterial street (i.e. Overland Road). Therefore, Staff recommends that the Applicant

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provide cross access to the property to the west and east (Parcels #S1119212410 and S1119212501) for interconnectivity when/if they redevelop with a non-residential use in the future to further reduce access points to the arterial street in accord with UDC [11-3A-3A.2](#). A copy of the recorded easement shall be submitted to the Planning Division prior to Building Permit submittal. Staff recommends that the Applicant close off the existing U-shape accesses off Overland Road and coordinate with Staff to revise the site plan to construct the shared access on the east boundary (22-feet in width) to be shared in the future by the adjacent property. Furthermore, the Applicant should also stub a 20-foot drive aisle to the property to the west for future interconnectivity. **NOTE: the access to the west may be unlikely because the adjacent property owner has just completed a recent remodel and intends to remain living in the residence for quite some time.**

Pedestrian Walkways: A 7-foot wide attached sidewalk exists along E. Overland Road. Detached sidewalks are required along arterial streets per UDC 11-3A-17; however, because the existing sidewalk is in good condition, Staff doesn't recommend it's reconstructed as a detached sidewalk. **Both ACHD and Staff recommend replacing the existing accesses on Overland Road with 7-foot wide attached concrete sidewalks to tie into the existing improvements on either side.**

A sidewalk is proposed on the north side of the new building adjacent to parking that appears to be 7 feet in width. **If wheel stops are not provided in parking spaces abutting a 5-foot wide area to prevent vehicle overhang, the sidewalk should be widened to 7-feet in accord with UDC [11-3C-5B.4](#).** If the sidewalk is 7-feet, the length of the parking spaces may be reduced to 17-feet if desired.

Additionally, the Applicant is proposing a sidewalk around the existing building leading to the entrance. The Applicant should depict measurements of the sidewalk on the plans submitted with the future Certificate of Zoning Compliance (CZC) and Design Review (DES) application. **The sidewalk should be a minimum of 5 feet in width in accord with UDC [11-3A-17A](#).**

Pedestrian walkways: Furthermore, the proposed plan does not include a pedestrian walkway that will run from the main building to the sidewalk along E. Overland Road per UDC 11-3A-19B.3. Where pedestrian walkways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. ***The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard – the proposed striping of the crosswalk is not an approved material and should be revised to comply with this standard.***

Landscaping: A 25-foot wide street buffer is required along E. Overland Road., an arterial street, landscaped per the standards listed in UDC [11-3B-7C](#). The landscape plan depicts a buffer with the required number of trees and plantings in accord with UDC standards. **Staff recommends that the Applicant install additional landscaping within the 25-foot buffer in place of both of the existing U-shaped driveways to be removed. Therefore, Staff recommends that the Applicant applies for Alternative Compliance concurrent with the future CZC application for the required 25-foot landscape buffer along Overland Road.**

The request shall demonstrate evidence of the unique hardship caused by the required street buffer and propose a specific alternative landscape plan that meets or exceeds the intent of the required buffer. In no case shall the width be reduced to less than ten (10) percent of the depth of the lot per UDC 11-3B-7.C.1c. A reduction to the buffer width shall not affect building setbacks; all structures shall be set back from the property line a minimum of the buffer width required in the applicable zoning district.

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Landscape Buffers to Adjoining Uses: Although the Applicant is not required to provide 20-foot landscape buffers adjacent to residential uses per the UDC code, Staff recommended that the Applicant include 20-foot landscape buffers for the proposed hospice facility. **The existing detached garage and driveway encroach into the landscape buffer on the west side of the site. Staff is amenable to this encroachment, as it provides additional screening. However, the garage should be setback 5-feet from the property line to meet the dimensional standards in the R-8 zoning district. Additionally, the buffer is not required along a portion of the east boundary to facilitate cross-access with the adjacent property.**

Parking lot landscaping is required in accord with the standards listed in UDC [11-3B-8C](#). **The parking lot landscaping appears to comply with this standard.**

Mitigation is required for existing healthy trees 4" caliper and greater that are removed from the site as set forth in UDC [11-3B-10C.5](#). There are 20 existing healthy/non-healthy on the site totaling 394 caliper inches, 8 of which, totaling 138 caliper inches, are proposed to be removed – these require mitigation. The other eight (12), totaling 310 caliper inches, are proposed to be preserved and protected on the site – these trees are proposed to be counted toward the mitigation requirement. **Existing trees retained on the site may count toward required landscaping equally towards the mitigation of calipers lost from other removed trees; Mitigation trees are in addition to all other landscaping required by this article. The submitted landscape plan appears to comply with this standard.**

Parking (UDC 11-3C): A minimum of one (1) off-street parking space is required per 0.5 beds provided. Based on the proposed 14 beds, a minimum of 7 parking spaces are required. A total of 7 parking spaces are proposed, meeting the minimum UDC standards.

A minimum of one (1) bicycle parking space must be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). **Bicycle parking is shown on the plans**

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submitted with this application. A detail of the bicycle rack should be included on the plans submitted with the future CZC application.

Fencing (UDC 11-3A-7): Fencing is required to comply with the standards listed in UDC [11-3A-7](#). Fencing exists around the perimeter of the site; there is an existing wood fence that runs along the south boundary of the property, a vinyl fence along the west side, and a chain link fence along the east side of the property. **Staff recommends that the Applicant install 6-foot fencing around the area where patients will access the outdoors and include the fencing on the plans submitted with the future CZC application.**

Utilities (UDC 11-3A-21): Connection to City water and sewer services is required in accord with UDC 11-3A-21.

Waterways (UDC 11-3A-6): There are no existing waterways that cross this site.

Pressurized Irrigation System (UDC 11-3A-15): Underground pressurized irrigation water is required to be provided to the development as set forth in UDC 11-3A-15.

Storm Drainage (UDC 11-3A-18): An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances.

Building Elevations: Building elevations were submitted for the proposed new building addition as shown in Section VIII.D. **Final design of the structure is required to comply with the design standards listed in the [Architectural Standards Manual](#) (ASM) for residential.**

Certificate of Zoning Compliance/Design Review: A Certificate of Zoning Compliance (CZC) and Design Review application is required to be submitted to the Planning Division and approved prior to submittal of building permit application(s). **The application materials should be updated as necessary to comply with the conditions contained in Section IX.**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation & zoning and conditional use permit applications with the provisions included in Section IX per the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on June 20, 2024. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Conditional Use Permit requests.

1. Summary of Commission public hearing:

- a. In favor: Claire Smarda, CivilSphere Engineering; Alyssa Blakely, Luna Hospice Administrator
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Bill Parsons, Planning Supervisor
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

3. Key issue(s) of discussion by Commission:

- a. Concerns with access for emergency services

4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

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- a. Add a Development Agreement Condition to approve the nonconforming structure (garage) remaining on the site.
- C. The Meridian City Council heard these items on August 13, 2024. At the public hearing, the Council moved to approve the subject Annexation and Conditional Use Permit requests.
1. Summary of the City Council public hearing:
 - a. In favor: Carmen Weber, Weber Design Studio & Albert Lieu, Owner
 - b. In opposition: None
 - c. Commenting: Rodney Brody
 - d. Written testimony: None
 - e. Staff presenting application: Bill Parsons, Planning Supervisor
 - f. Other Staff commenting on application: None
 2. Key issue(s) of public testimony:
 - a. Concerns with Meridian Greens Subdivision irrigation pipe residing on this property.
 3. Key issue(s) of discussion by City Council:
 - a. Concerns with tobacco usage from employees negatively impacting the surrounding residents.
 - b. Council would like to see the irrigation issues resolved with Meridian Greens Subdivision prior to occupancy of the building.
 4. City Council change(s) to Commission recommendation:
 - a. The Applicant shall provide a revised annexation exhibit map prior to Council adopting the ordinance.
 - b. The Applicant shall provide a letter of acceptance from the Meridian Greens Homeowner's Association confirming the agreement regarding the use of irrigation water to meet the needs of both the homeowner's association and the Applicant prior to issuance of CZC.

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VIII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

May 14, 2024

Overlandhh, LLC

Legal Description

A parcel of land being a portion of the NE 1/4 of the NW 1/4 of Section 19, T.3N., R1E., Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the northwest corner of said Section 19 thence on the north line of said Section 19 N89°43'32"E a distance of 1,498.35 feet to the True Point of Beginning; thence S00°13'32"W a distance of 180.00 feet; thence N89°43'32"E a distance of 250.00 feet; thence N00°13'32"E a distance of 180.00 feet to a point on the said north line of Section 19; thence on last said north line S89°43'32"W a distance of 250.00 feet to the Point of Beginning.

The above described parcel contains 44,998 Square Feet, more or less.



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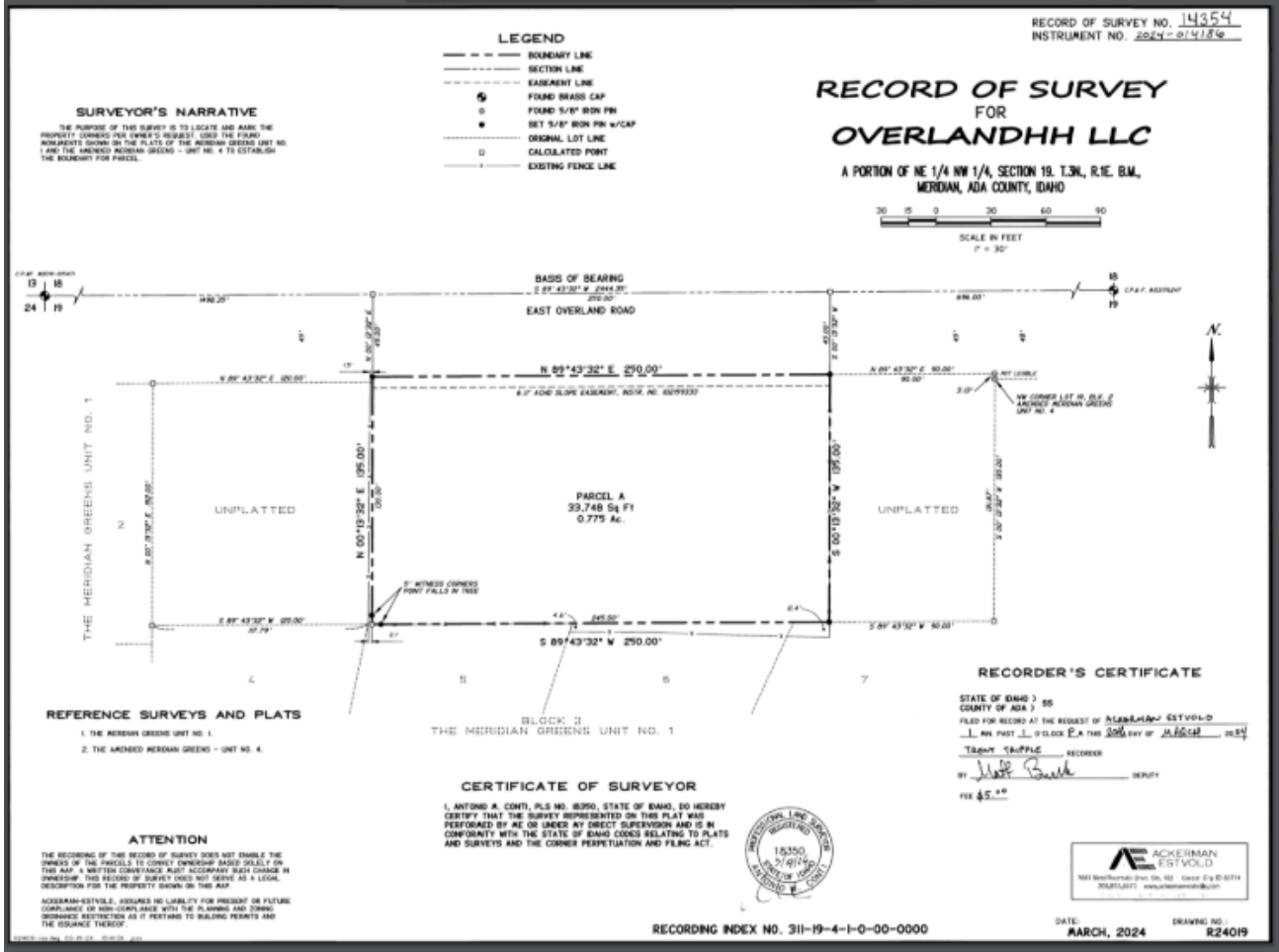


EXHIBIT A

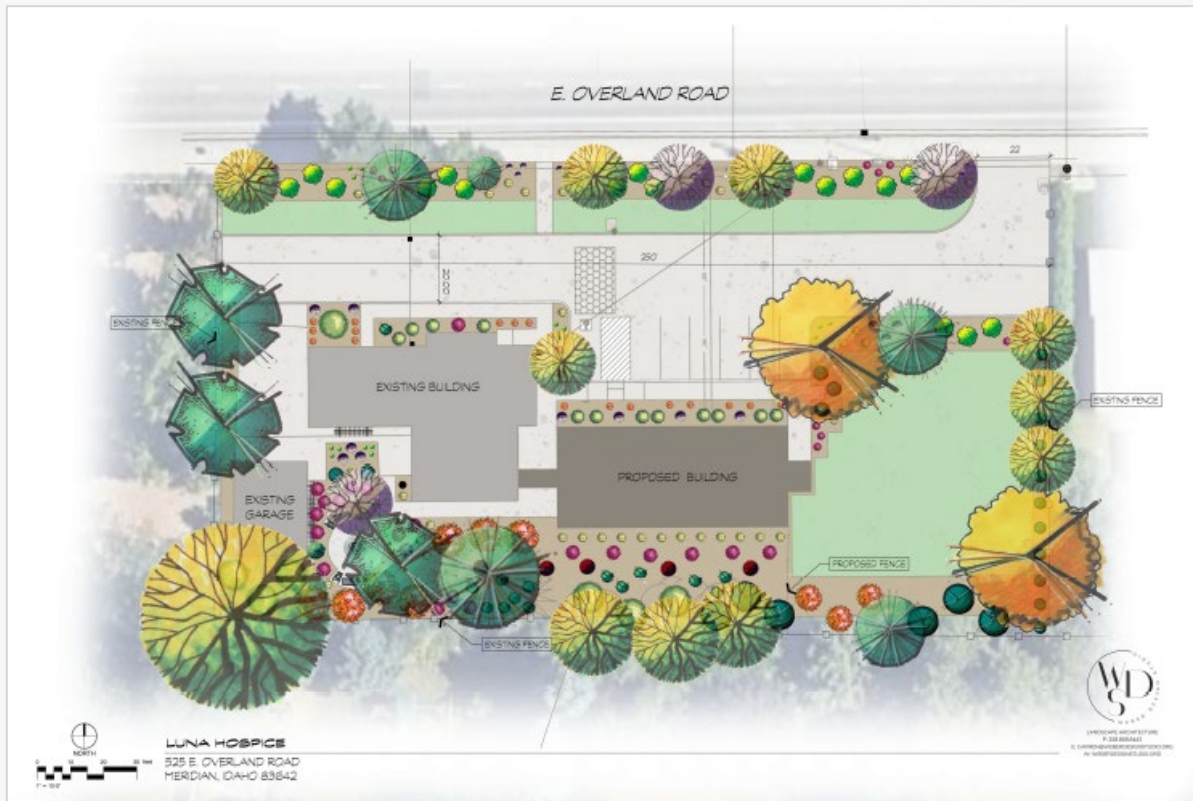
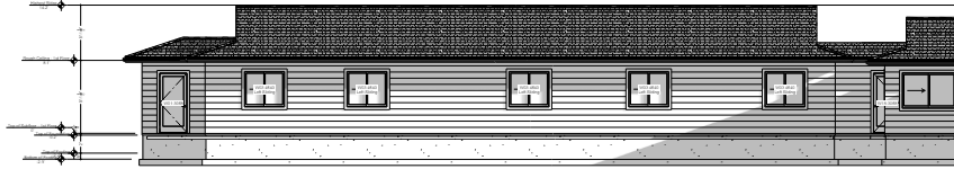


EXHIBIT A

D. Conceptual Building Elevations



Front Elevation



Rear Elevation

NOT FOR PERMIT USE

NO.	DATE	DESCRIPTION	BY



Sunshine Design & Build
 ARCHITECTS & BUILDERS
 1225 E OVERLAND RD
 MERIDIAN, ID 83642

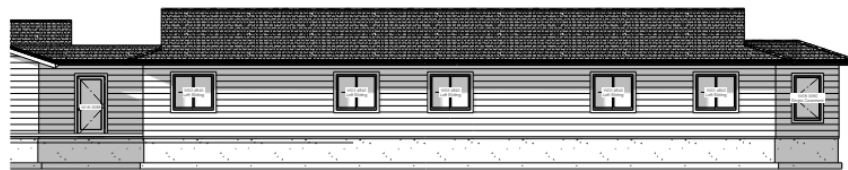
Client:
 Sunshine Design & Build
 1225 E Overland Rd
 Meridan, ID 83642

Sheet Title:
 Elevations 1

Plan Scale:

A-6

Date:
 12/16/2023



Side Elevation

NOT FOR PERMIT USE

NO.	DATE	DESCRIPTION	BY



Sunshine Design & Build
 ARCHITECTS & BUILDERS
 1225 E OVERLAND RD
 MERIDIAN, ID 83642

Client:
 Sunshine Design & Build
 1225 E Overland Rd
 Meridan, ID 83642

Sheet Title:
 Elevations 2

Plan Scale:

A-7

Date:
 12/16/2023

EXHIBIT A

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Annexation & Zoning

Revise the Exhibit map in Section VIII., Exhibit A to accurately represent the acreage of the annexation boundary 15 days prior to City Council adopting the ordinance. Hearing.

A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Annexation request. The DA shall, at minimum, incorporate the following provisions:

- a. The existing structure shall connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC [9-1-4](#) and [9-4-8](#).
- b. Future development of this site shall be generally consistent with the site plan, landscape plan and conceptual building elevations included in Section VIII and the provisions contained herein.
- c. Future uses on the site are limited to a nursing or residential care facility, other uses are not allowed.
- d. Remove both of the existing U-Shape accesses to Overland Road for this site as required by ACHD and City Staff per UDC 11-3A-3. Provide cross/access to both the properties to the east and west when/if they redevelop with a non-residential use in the future to reduce access points and submit a copy of the recorded easement to the Planning Division with the future Certificate of Zoning Compliance.

2. Conditional Use Permit

- 2.1 Compliance with the standards listed in UDC [11-4-3-29](#) – Nursing or Residential care facilities, is required.
- 2.2 Compliance with the dimensional standards listed in UDC [Table 11-2A-6](#) for the R-8 zoning district is required.
- 2.3 The site/landscape plan shall be revised as follows:
 - a. Remove both of the existing U-Shape accesses to Overland Road for this site as required by ACHD and City Staff per UDC 11-3A-3. Provide cross/access to both the properties to the east and west when/if they redevelop with a non-residential use in the future to reduce access points and submit a copy of the recorded easement to the Planning Division with the future Certificate of Zoning Compliance.
 - b. All sidewalks to and around the building shall be a minimum of 5-feet in width per 11-3A-17A.
 - c. Either depict wheel stops in the parking spaces on the northeast side of the building abutting the 5-foot wide section of sidewalk to prevent vehicle overhang *or* widen the

EXHIBIT A

sidewalk to 7 feet to accommodate vehicle overhang as set forth in UDC [11-3C-5B.4](#). *If 7-foot wide sidewalks are provided to accommodate overhang, the length of the parking spaces may be reduced to 17 feet if desired.*

- d. Include evergreen trees within the perimeter buffers to residential uses as set forth in UDC [11-3B-9C.1a](#).
 - e. The Applicant shall install additional landscaping within the 25-foot buffer in place of both of the existing driveways to be removed.
 - f. Apply for Alternative Compliance with the concurrent CZC application to reduce the 25-foot landscape buffer along Overland Road, due to the facilities encroaching within the buffer to the west, and to provide access to the existing garage, in accordance with UDC 11-3B-5.
 - g. Replace the existing U-shape accesses on Overland Road with 7-foot wide attached concrete sidewalks to tie into the existing improvements on either side.
 - h. Construct a 5-foot wide pedestrian walkway from the perimeter sidewalk to the main building entrance; where pedestrian walkways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4.
 - i. Depict the interior side and rear setbacks on plans submitted with the future CZC application to ensure compliance with the dimension standards for the R-8 zoning district.
 - j. Install a 20-foot wide landscape buffer along the south boundary in accordance with the standards set forth in UDC 11-3B-9C; except in the location where the existing garage will remain.
 - k. A detail of the bicycle rack should be included on the plans submitted with the future CZC application.
 - l. Install fencing around the area where patients will access outdoors in accordance with UDC 11-3A-7 and UDC 11-4-3-29.
 - m. Existing trees retained on the site shall be preserved and protected as outlined in UDC 11-3B-10.
- 2.4 The Applicant shall provide a letter of acceptance from the Meridian Greens Homeowner's Association confirming the agreement regarding the use of irrigation water to meet the needs of both the homeowner's association and the Applicant prior to issuance of CZC.
- 2.5 A Certificate of Zoning Compliance application shall be submitted for the proposed use and site improvements that comply with all UDC conditions and the provisions contained herein.
- 2.6 A Design Review application shall be submitted for the proposed addition to the existing structure that demonstrates compliance with the design standards listed in the Architectural Standards Manual. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property (ASM Goal 1.2B).
- 2.7 The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be

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requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=348143&dbid=0&repo=MeridianCity>

C. KUNA SCHOOL DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=348150&dbid=0&repo=MeridianCity>

D. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

No comments received.

E. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=348840&dbid=0&repo=MeridianCity>

F. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=350386&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Annexation (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
Council finds the Applicant's request to annex the subject property with an R-8 zoning district for a nursing or residential care facility is consistent with the Comprehensive Plan as noted in Section V.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
Council finds the map amendment and associated development is consistent with the regulations outlined for the district and the purpose statement of the residential districts in that it provides for the service needs of the community.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed use should be compatible with adjacent existing residential uses in the vicinity.

EXHIBIT A

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

Council finds City water and sewer service is available to be extended to this development. The provision of a nursing or residential care facility in this area will assist in providing for the needs of the community in this area of the City.

5. The annexation (as applicable) is in the best interest of city.

Commission finds the proposed annexation is in the best interest of the city.

B. Conditional Use (UDC 11-5B-6)

Findings: The commission shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

Council finds the site is large enough to accommodate the proposed use and meets all dimensional and development regulations of the R-8 zoning district including the buffers to residential uses along the west, east, and south boundaries of the site.

2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.

Council finds the proposed use will be harmonious with the Comprehensive Plan and in accord with UDC standards.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

Council finds the design, construction, operation and maintenance of the proposed use should be compatible with adjacent residential uses and with the existing and intended character of the vicinity and will not adversely change the essential character of the area if the Applicant complies with the conditions in Section IX.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

Council finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section IX of this report.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

Council finds the proposed use will be served by essential public facilities and services as required.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

Council finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

EXHIBIT A

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

Council finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Council finds the proposed use will not result in the destruction, loss or damage of any such features.

9. Additional findings for the alteration or extension of a nonconforming use:

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

This finding is not applicable.

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

This finding is not applicable.